

Notice of Allowability

Application No.

10/807,107

Examiner

Hargobind S. Sawhney

Applicant(s)

CHEN ET AL.

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application filed on March 24, 2004.
2. ☒ The allowed claim(s) is/are 1-8.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

1. Claims 1-8 are allowed.

The prior art of record, including Tarsa et al. (US Patent No.: 7,005,679 B2), Marshall et al. (US Patent No.: 6,513,949 B1) and Chen et al. (US Patent No.: 6,841,804 B1) does not show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose a white light LED assembly comprising at least two kinds of light-emitting units selected from a group consisting of:

- a first white light-emitting unit composed of red, green and blue LEDS as recited in Claim 1;
- a second white light-emitting unit composed of a blue and yellowish-green LEDS as recited in Claim 1;
- a third white light-emitting unit composed of a blue LED and yellow phosphor as recited in Claim 1; and
- a forth white light-emitting unit composed of ultraviolet (UV) LED and red, green and blue phosphors as recited in Claim 1.

The above-indicated combination, including a white light LED assembly comprising at least two kinds of the above-indicated white light units, makes this invention unique.

Note: Each of the above indicated white light-emitting units is composed (similar to the preamble "consisting") of definite types of LEDs or typical combination of LED(s) and phosphor

Tarsa et al. ('670 B2) discloses white light LED assembly comprising different combinations of light-emitting units including UV LEDs, red LEDs, green LEDs, blue LEDs and laser LEDs. However, none of the combinations employed by Tarsa et al ('670 B2) meets combinations claimed by the applicant. Thus, Neither combined nor individual teaching of Tarsa et al. ('679 B2), Marshall et al. ('949 B1) and Chen et al. ('804 B1) discloses a white light LED assembly meeting the limitations of the independent claim 1.

Therefore, the independent Claim 1 is allowed over prior art.

Claims 2-8 are necessarily allowed because of its dependency on the allowed base Claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Maeda et al. (US Patent Application Pub. No.: US 2004/0245532 A1) and Shimizu et al. (US Patent No.; 7,008,078 B2)

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSS
3/12/2006


ALI ALAVI
PRIMARY EXAMINER